

ROGER J. PETERS, ESQ., FCI Arb
Construction Neutral:
Mediator, Arbitrator & DRB Member



ADR EXPERIENCE:

Roger Peters is an experienced Construction Neutral having served as a mediator and arbitrator of large and complex construction and construction insurance disputes, including serving as an arbitrator on a \$550M design/build bridge and highway project which involved claims and counterclaims in excess of \$75M.

MEDIATIONS: In regard to his mediation experience, Roger informally mediated major disputes throughout the first 30 years of his career and then started 10 years ago to formally mediate various disputes, many with multiple parties, between owners, design/builders, contractors, subcontractors and design professionals and their insurers, including recently resolving two large disputes involving a \$250M Waste Water Treatment Plant in Las Vegas and a \$60M Ammo Storage Facility for the USACE at Fort Bragg, North Carolina. He recently mediated a \$31M construction defect dispute on a 5 star resort in Arizona with 9 parties and 8 insurers, a \$25M dispute on a bio-chemical plant in the southeast involving the owner and the EPC contractor, a \$5M dispute between a municipality and its engineer over alleged defects in a well field and a reverse osmosis water treatment plant, an \$8M dispute between a GC and its mechanical sub on a FBOP Prison, a \$6M construction defect dispute between the EPC/Operator/Contractor of a light rail system and its engineers on a people mover at an airport in the Southwest and a \$45M dispute on a gas fired power plant in the Northeast between the EPC contractor and its' engineer. He is currently mediating:

- a \$100M dispute on a high rise modular building in the northeast between the developer and the GC;
- a \$120M dispute on a \$1.5B fertilizer plant between the EPC contractor and mechanical subcontractor in the Mid-West;
- a \$10M dispute between a medical institute and its GC and its insurer over construction defects in Northern Virginia;
- A \$10M dispute between a highway contractor and a municipality in Virginia;
- a construction defect dispute related to a curtain wall system for a \$300M corporate headquarters project between the owner, it's A/E, the GC and its' subcontractors and insurers (\$40M) in the Northeast;
- a construction defect dispute for a \$250M corporate headquarters with similar issues and parties and insurers (\$20M) also located in the Northeast;
- a \$25M construction defect dispute between a cruise ship line and its GC and Engineer and its insurer in Central America over the design and construction of a pier.
- A \$15M dispute between the GC and its subcontractors with the Owner of a high end apartment complex in the Mid-Atlantic over delays, disruptions, additional and defective work.

- A \$16M dispute between the GC and its subcontractors with the Developer of a high end apartment complex also in the Mid-Atlantic over delays, disruptions, additional and defective work;
- A \$3M dispute between a subcontractor and the GC over an airport baggage system in the Northeast;
- A \$15M dispute between the Owner and an engineer over design defects in the construction of a \$300M port facility in Alaska.
- A \$20M dispute between the Owner, Contractor and its subcontractor over construction defects in the \$300M port facility in Alaska mentioned above.

Some of the parties he has and is currently mediating with include, Skanska, Kiewit, Turner, Hensel Phelps, Walsh Construction, American Bridge, Paradigm Constructors, Athena/Renaissance, Howard Hughes Medical Institute, HOK, CH2M Hill, CDM Smith, Forest City, Greeley and Hanson, Canon USA, Barton Malow, Burns and Roe, Corval Mechanical, Myriant Corporation, Pulte Homes, Hunt Construction Group, Carnival Cruise Lines, Zurich, AIG, Lexington, Liberty Mutual, ACE, US Engineers, J & L Steel, County of Palm Beach Florida, Bombardier Transportation Group and W. G. Tomko.

ARBITRATIONS: Of significant note, Roger was recently selected by the AAA to become a member of its Mega Project Construction Arbitration Panel which is comprised of the top US construction arbitrators as rated by counsel on construction mega projects. In addition, he recently served as the Chairperson on a \$100M AAA/ICDR Arbitration on a mega project in Taiwan between the EPC contractor and its' design/builder; was the owner's party appointed arbitrator on a \$35M dispute between the owner and the contractor on a biomass powered electric generating facility in Hawaii; was the contractor appointed arbitrator on a \$20M dispute between the EPC contractor and its subcontractor on a coal fired power plant in the Mid-West; was the contractor appointed arbitrator for an ICC arbitration over a \$7M dispute arising from the construction of a solar power plant in the Southwest; and was the contractor appointed arbitrator for a \$30+M dispute between the EPC contractor and a consortium of insurance carriers over hurricane damage to a LNG facility in Louisiana. He is currently serving as an arbitrator on the following matters:

- a AAA panel for a \$31M arbitration on a \$300M natural gas gathering and process plant in the Southwest;
- a \$50M dispute on a biomass power plant in Kauai administered by the AAA/ICDR;
- a \$100M+ AAA dispute between a ship builder and an operator of off shore supply vessels;
- a \$12M construction defect AAA arbitration between home owners and the contractor and its subcontractors for a housing development in the Southwest;
- a \$5M AAA dispute in the Mid-West between a public owner and its engineer on a waste water treatment plant;
- as the sole arbitrator for an ad hoc dispute between the design/builder and its subcontractor valued at \$2M on an electrical distribution system in Miami;
- as the sole arbitrator for a AAA dispute in West Virginia between a developer and a pipeline contractor valued at \$3M.
- selected to participate on an arbitration panel for the \$1B P3 Rapid Replacement of Bridge Projects in Pennsylvania.

- **DISPUTE REVIEW BOARDS:** In 2008, he was selected to serve as a member of a Dispute Review Board on the \$1B New York Giants/Jets Meadowlands Stadium project in New Jersey and recently served on the DRB for the Vogtle and Sumner Nuclear Power Plants (\$7B each project). He is currently serving on DRB's for the following projects:
- 3 DRB's on major Florida DOT projects as well as the regional boards for the Orlando and Hillsborough districts;
- the sole Dispute Review Advisor to hear all of the disputes for the remainder of the 50% complete \$4.5B Transbay Transit Center Building and Related Structures Project in San Francisco;
- a DRB for the \$1B Salem Power Plant in Massachusetts.
- A DRB for Texas Department of Transportation for the nearly \$1B SH 183 Managed Lanes Project.
- A DRB for Texas Department of Transportation for the \$1B Grand Parkway Project.

OPERATIONS EXPERIENCE:

Roger has nearly forty years of experience in resolving complex construction disputes on major projects throughout the continental United States, the Caribbean and the Pacific Rim. For most of those years, Roger was an officer and General Counsel to one of ENR's top fifty contractors and construction managers. Moreover, Roger was chosen in 2005 to manage and lead the companies' operations in Puerto Rico over a five year period which, in addition to the completion of the construction work, involved the resolution of multiple millions of dollars of construction claims on water and waste water treatment projects, hotel and condominiums, hospitals, university buildings and dormitories and low income housing projects, all with an aggregate construction value in excess of \$600M. He was promoted in 2008 to Executive Vice President and General Manager to head up and manage the construction operations of the company in Hawaii and Guam which had annual revenues in excess of \$400M and more than 700 office and field personnel. While in Hawaii, Roger was invited and became a member of Hawaii's largest and most distinguished ADR provider, Dispute Prevention and Resolution, LLC. Roger retired from the company in late 2011 to dedicate himself full time to the resolution of complex construction disputes.

LEGAL EXPERIENCE:

Throughout his career, Roger has negotiated hundreds of contracts with both public and private owners relating to a wide variety of projects, including a major league baseball stadium (\$200M design/build contract), an International Airport (\$850M construction management contract), a water treatment and aqueduct project (\$350M EPC contract), a large hotel and casino in Las Vegas (\$125M GMP contract) and an 1100 megawatt power plant (\$450M EPC contract). In the power generation industry, Roger has been involved in the resolution of disputes on more than 15 major power plant projects from coal fired, cogeneration/combined cycle to nuclear. In addition, he has more than 30 years of experience in the heavy/highway construction industry, having been involved with various

claims on major road, bridge, tunnel and airport runway projects. Roger was instrumental in resolving millions of dollars of claims on all of these projects with the owners, architects and engineers, prime and trade contractors, subcontractors, major insurance carriers and sureties.

INSURANCE AND RISK MANAGEMENT EXPERIENCE:

Roger is also an expert on construction insurance and surety matters, having served as the companies' Risk Manager for more than 5 years and is intimately familiar with Owner and Contractor Controlled Insurance Programs as well as coverage issues involving construction defect claims affecting commercial general liability, professional liability and builder's risk policies. In addition, he has testified on coverage matters relating to the largest construction defect case in the history of Puerto Rico.

SPEAKING ENGAGEMENTS:

Roger has spoken at several conferences on mediation and arbitration and other ADR topics, including topics such as, "To Mediate or not to Mediate (How to answer the question)" at the conferences of the American Arbitration Association's ("AAA") held in Miami and Los Angeles in March and November of 2007. He was a featured speaker at the Corporate Counsel Construction Forum in October of 2007, "Navigating Alternative Dispute Resolution and Mediation" and spoke at the AAA's Neutrals Conference in San Diego in February of 2009 on "Managing Expectations of the Parties: Best Practices in Construction Arbitration." In November of 2009, the AAA featured Roger as co-presenter on the subject of "Right Process/Wrong Arbitrator" which the AAA also featured in a Webinar on October 19, 2010. In March of 2011, Roger was a featured speaker at the Marcus Evans Conference on "Government Construction Contracts and Compliance." In addition, Roger authored with others an article published in the Dispute Resolution Journal, May-July 2007 issue entitled: "Managing Dispute Resolution Options in the Construction Industry." Roger also spoke at the Brazilian Institute of Law's first International Construction Conference in Sao Paulo on August 20, 2012 on the use of Dispute Boards on major construction projects and presented 4 speeches, including the keynote address on the use of Dispute Boards, at Peru's Catholic Universities' Center for the Analysis and Resolution of Conflicts First International Conference on Solutions for Construction Controversies on May 22-23, 2013 in Lima, Peru. Roger spoke on March 5, 2014 on "How to effectively use Mediation to resolve Construction Disputes" at the Georgia Construction Law Conference in Atlanta and at the ABA Construction Forum's Annual Meeting in New Orleans on April 11, 2014 on "The delicate balance in Completing the Project while still Managing the Claim." Most recently, he was a member of a panel at the AGC's Risk Management conference in Naples in February of 2015 that spoke on "Reducing Costs and Increasing Early Settlements Through More Effective Utilization of Mediation."

EDUCATION AND TRAINING:

Roger is a graduate of Duquesne University School of Law and the Pennsylvania State University. He has also received training at the Straus Institute for Dispute Resolution, Pepperdine University School of Law: Mediating the Litigated Case and The Advanced Course: Mediating the Large/Complex Claim and Construction Defect Case. Roger is also a member of the ABA's Construction Forum and Dispute Resolution Committees and is a member of the AAA and has been appointed to its' National Panel of Construction Arbitrators for Large Complex Cases and to its' Mega Project Construction

Arbitration Panel. He is also a member of the Dispute Resolution Board Foundation and has obtained his certification and training to serve as a DRB member and Chair and has also been certified and trained to serve on FIDIC Dispute Adjudication Boards for international projects. On May 13, 2013, Roger became a Fellow with the Chartered Institute of Arbitrators which qualifies him to serve as an arbitrator for international disputes and is well versed in the use of FIDIC form of agreements. He is also a member of the International Centre for Dispute Resolution.

EMPLOYMENT HISTORY:

- Martin & Nettrour Contracting Company, Inc. (1972 to 1976)
- Dick Corporation (1976 to 2009)
- dck worldwide, LLC f/k/a Dick Corporation (2009 to 2011)
- Roger J. Peters, Esq., FCI Arb, Construction Neutral (2011 to the present)

CONTACT INFORMATION:

Email: rjpeters.neutral@gmail.com

Phone: 808-343-5147

Address; 6 Belleview Blvd., unit 807
Belleair, Florida 33756

Website: www.RJPADR.com